

Town Board Minutes

**Meeting
No. 19**

Special Meeting

July 6, 1998

Town Board Minutes

**Meeting
No. 20**

Regular Meeting

July 6, 1998

MEETINGS TO DATE 19
NO. OF REGULARS 12
NO. OF SPECIALS 7

LANCASTER, NEW YORK
JULY 6, 1998

A joint meeting of the Town Board and the Planning Board of the town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 6th day of July 1998, at 6:30 P.M. and there were

PRESENT: ROBERT GIZA, SUPERVISOR
NEIL CONNELLY, COUNCIL MEMBER
DONALD KWAK, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
DAVID MARRANO, PLANNING BOARD CHAIRMAN
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
MILDRED WHITTAKER, PLANNING BOARD MEMBER

ABSENT: REBECCA ANDERSON, PLANNING BOARD MEMBER
FRANK DE CARLO, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER

ALSO PRESENT:
ROBERT THILL, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of one action.

**IN THE MATTER OF THE SEQR REVIEW OF THE
RED APPLE/KWIK-FILL SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Red Apple/Kwik-Fill site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER STEMPNIAK, WHO MOVED
ITS ADOPTION, SECONDED BY PLANNING
BOARD MEMBER WHITTAKER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
RED APPLE/KWIK-FILL SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.65 acres.

The location of the premises being reviewed is situate 5385 Broadway, east of Bowen Road.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
No adverse effects noted
 - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.
No adverse effects noted
 - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.
No adverse effects noted
 - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.
No adverse effects noted
 - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.
No adverse effects noted
 - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.
No adverse effects noted
 - C.7 Other impacts (including changes in use of either quantity or type of energy).
No adverse effects noted
- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

July 6, 1998

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD CHAIRMAN MARRANO	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

July 6, 1998

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:45 P.M.


Robert P. Thill, Town Clerk

MEETINGS TO DATE 20
NO. OF REGULARS 13
NO. OF SPECIALS 7

Page 426
LANCASTER, NEW YORK
JULY 6, 1998

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 6th day of July 1998 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
DONALD KWAK, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 10:15 P.M. to deliberate in Executive Session for the announced purpose of discussing impending litigation on the Genesee Street water line and a personnel matter in the Building Inspector's Office and Highway Department.

At 11:55 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session

PERSONS ADDRESSING TOWN BOARD:

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matter:

- Inquired if the property at 5631 Genesee Street has been issued a dumping permit.

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matter:

- Tipping fees for disposal of Town's solid waste.

Ciccarrelli, Nick, 809 Erie Street, spoke to the Town Board on the following matter: Page 427

- Piping of surface water drainage in the area of 809 Erie Street.

Hammer, Fred, 240 Ransom Street, spoke to the Town Board on the following matter:

- Asked the Town Board Members to lower taxes and stop development in Lancaster.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

- Pavement on Stone Hedge Drive and rip rap at the culvert.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:

- Requested additional information on prefiled resolution numbers 3 and 14.
- Requested the tabling of prefiled resolution number 31 Authorize Dumping Permit.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application filed by Antoinette May, for a Special Use Permit for a Home Occupation (Nail Salon) on premises locally known as 257 Ransom Road, Town of Lancaster, County of Erie, State of New York

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS

Antoinette May

ADDRESS

257 Ransom Road

OPPONENTS

None

COMMENTS & QUESTIONS

None

ON MOTION BY COUNCIL MEMBER STEMPIAK, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:37 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application filed by Tyree Engineering, P.C., for a Special Use Permit for a gasoline service station situate on premises locally known as 4949 Transit Road in the Town of Lancaster, County of Erie, State of New York.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS**ADDRESS**

Robert Spiak,
representing the petitioner

OPPOSERS**COMMENTS & QUESTIONS**

None

None

ON MOTION BY COUNCIL MEMBER MONTGOMERY, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:50 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PUBLIC HEARING SCHEDULED FOR 8:55 P.M.:

At 8:55 P.M., the Town Board held a Public Hearing to consider the petition of the Bowmansville Volunteer Fire Association, Inc. for consent of the Town Board of the Town of Lancaster of the proposed issuance by the Bowmansville Volunteer Fire Association, Inc. of an obligation to the Manufacturers and Traders Trust Company for the purpose of constructing a fire truck bay addition, reconstruction and improvements to the fire station located at 36 Main Street, Bowmansville, New York, in the maximum principal amount of \$150,000.00, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS**ADDRESS**

Richard Reese, representing
Bowmansville V.F.D.

OPPOSERS**COMMENTS & QUESTIONS**

None

None

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:05 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on June 15, 1998 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER GIZA, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER MONTOUR, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated June 23, 1998, has recommended appointments for the Youth Bureau's 1998 Summer Tutorial program.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to tutors in the Youth Bureau's 1998 summer programs of the Town of Lancaster, effective July 6, 1998, at the following rates as specified in the 1998 Budget of the Town of Lancaster:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Elaine Bonarowski 39 Fairfield Ave. Lancaster, New York 14086	Tutor - Skills Reinforcement Program	\$9.00 hr.
Sheri Worth 61 Newberry Lane Lancaster, New York 14086	Tutor - Skills Reinforcement Program	\$9.00 hr.

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, Darryl J. Ludwig, 178 Westwood Road, Lancaster, New York 14086
has applied for a Dumping Permit for property situated at 178 Westwood Road, within the Town of
Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town
Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their
review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT'

RESOLVED, that Darryl J. Ludwig, 178 Westwood Road, Lancaster, New York
14086 be and is hereby authorized to dump and dispose of materials outside permitted sanitary
landfills within the Town of Lancaster, namely on premises owned by the applicant at 178
Westwood Road, Lancaster, New York 14086, said dumping to be in strict conformance with the
application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the
recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should also be aware that if he intends to build on any filled area, bore samples along with a structural engineer's report will be required prior to the issuance of a building permit.
3. Filled area must be topsoiled and seeded.
4. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
5. Roads must be cleaned on a daily basis and more often if necessary.
6. Swales shall be developed along the property lines. Swales shall direct the flow of water to the front and rear of the property.
7. Dumping will be allowed between the hours of 7 A.M. and 5 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50 - Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of ANTOINETTE MAY for a Special Use Permit for a Home Occupation (Nail Salon), on premises located at 257 Ransom Road, Lancaster, New York, , and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to Chapter 50 - Zoning - Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to ANTOINETTE MAY, for a Home Occupation (Nail Salon) on premises located at 257 Ransom Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, with the stipulation that not more than two (2) client cars be parked on or adjacent to the property at any given time;

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation;
- b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure;

- c. There shall be no change in the outside appearance of the Building or premises or other visible evidence of the conduct of such home occupation;
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot;
- e. There shall be no outdoor sign advertising this business;
- f. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

File: rasup.may

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER CONNELLY, TO WIT:

Page 435

WHEREAS, the Town Clerk of the Town of Lancaster, by letter dated June 24, 1998, has requested the appointment of Suzanne M. Blank, Regular Part-Time [RPT] presently employed in the Town Clerk's Office as clerk, part-time, to the Civil Service position of Clerk-Typist, and

WHEREAS, Suzanne M. Blank currently is positioned on the Erie County Civil Service list of candidates eligible for appointment to the position of Clerk-Typist as the third candidate and therefore is eligible for appointment to the position of Clerk-Typist, regular part-time [RPT],

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That **SUZANNE M. BLANK**, 17 Shadyside Lane, Lancaster, New York 14086, be and is hereby appointed to the Civil Service position of Clerk-Typist, Regular Part-Time [RPT], for 19 ½ (nineteen and one-half) hours per week in the Town Clerk's Office of the Town of Lancaster.
2. That the salary for this position is \$14.44.
3. That this appointment shall take effect July 13, 1998.
4. That the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY VOTED YES

COUNCIL MEMBER KWAK VOTED YES

COUNCIL MEMBER MONTOUR VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

SUPERVISOR GIZA VOTED YES

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GIZA, WHO MOVED ITS
 ADOPTION, SECONDED BY COUNCIL
 MEMBER STEMPIAK, TO WIT:

WHEREAS, in a letter to the Town Board dated March 19, 1998, Highway
 Superintendent Reese indicated the need for new computer equipment for his office, and

WHEREAS, the Town Board recognizes the need to purchase computer
 equipment for the Highway Superintendent's office, not to exceed \$3,000 at this time

NOW, THEREFORE BE IT

RESOLVED, that the Highway Superintendent is authorized to spend up to
 \$3,000 on computer equipment for his office, and

BE IT FURTHER

RESOLVED, that in order to fund this unanticipated expenditure, the following
 budget transfer be and hereby is approved in the 1998 adopted budget of the Town of Lancaster:

General Fund - Townwide:	<u>Decrease</u>	<u>Increase</u>
A1990.411 Contingency Account	\$3,000	\$
A5010.210 Highway Administration, Office Furn. & Equip.	_____	<u>3,000</u>
General Fund Totals:	\$3,000	\$3,000

The question of the adoption of the following resolution was duly put to a
 vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the General Crew Chief, by letter dated June 30, 1998, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer season of 1998,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of lifeguard for the summer season of 1998 in the Parks, Recreation and Forestry Department of the Town of Lancaster, retroactive to June 26, 1998, with no benefits, at the following hourly rates:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Lindsay McGrath (new hire) 38 Parkdale Drive Lancaster, New York 14086	Lifeguard	\$5.25 hr.
John J. Szatkowski (new hire) 387 Schwartz Road Lancaster, New York 14086	Lifeguard	\$5.25 hr.

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take to necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, ELIZABETH S. BENNETT, CSW, the owner of real property
situate at 53 Hemlock Lane, in the Town of Lancaster, New York, has submitted an application
for a Special Use Permit for a Home Occupation (Psychotherapy Office) in accordance with
provisions of Chapter 50-Zoning of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 17 (F), entitled
"Home Occupations" of the Code of the Town of Lancaster, a Public Hearing on the proposed
Special Use Permit for a Home Occupation (Psychotherapy Office) on premises locally known
as 53 Hemlock Lane, Lancaster, New York, will be held at the Town Hall, 21 Central Avenue,
Lancaster, New York, on the 20th day of July, 1998 at 8:30 o'clock P.M., Local Time, and that
Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of
general circulation in said Town, and be posted on the Town Bulletin Board, and that a copy of
such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to
Section 239 (m) of the General Municipal Law, which Notice shall be in the form attached
hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

File: rsupbnet

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
SPECIAL USE PERMIT - BENNETT**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 17 (F), "Home Occupations" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of July, 1998, the Town Board will hold a Public Hearing on the 20th day of July, 1998, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of ELIZABETH S. BENNETT, CSW for a Special Use Permit, for a Home Occupation (Psychotherapy Office) on premises locally known as 53 Hemlock Lane, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: ROBERT P. THILL
Town Clerk

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster has been engaged in an action against the County of Erie to collect the sales tax payment withheld by the County of Erie in 1994 which was withheld based upon a claim by the County that the Town had breached its contract obligation under the Real Property Assessment Consortium Agreement, and

WHEREAS, the Town Attorney has now advised the Town Board that the matter can be resolved positively for the Town with the Town being paid in full the sales tax which was withheld by the County of Erie, together with interest on the sum withheld, and

WHEREAS, after review the Town Board deems it in the public interest to authorize the Town Attorney to settle this matter with the recovery of the full amount of the sales tax which was withheld by the County of Erie, together with the interest thereon;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Attorney is hereby authorized to settle the lawsuit pending with the County of Erie which will result in the recovery in full of the sales tax which was withheld by the County, together with the accrued interest.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to §50-20 (B)(1)(h) Commercial Motor Service and §50-46 Special Use Permits, of Chapter 50, Zoning of the Code of the Town of Lancaster, upon the application of TYREE ENGINEERING, P.C., for a Special Use Permit for a gasoline service station, to be operated by Mobil Oil Corporation on premises located at 4949 Transit Road, Lancaster, New York, . and

WHEREAS, the public has had an opportunity to be heard on such Special Use Permit;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to §50-20 (B)(1)(h) Commercial Motor Service of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Tyree Engineering, P.C., for a gasoline service station to be operated by Mobil Oil Corporation on premises located at 4949 Transit Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

File: rasup.698

THE FOLLOWING RESOLUTION WAS OFFERED BY
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, the Dog Control Officer of the Town of Lancaster, by letter dated July 1, 1998, has informed the Town Board that a vacancy exists in the position of Assistant Dog Control Officer due to the resignation of Paul Andreessen, and

WHEREAS, by same letter, the Dog Control Officer has recommended the appointment of Gary A. Sitek, 1166 Penora Street, Depew, New York 14043 to the aforementioned position of Assistant Dog Control Officer,

NOW, THEREFORE, BE IT

RESOLVED, that **GARY A. SITEK**, 1166 Penora Street, New York 14043, be and is hereby appointed to the position of Assistant Dog Control Officer, retroactive to June 29, 1998, and

BE IT FURTHER

RESOLVED, that the salary for this position is \$10.82 per hour which is 75% of the gross salary, as set forth in the 1998 Schedule of Salaries.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

FILE: RPERS.DCO

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, MELINDA BURGWARDT, DVM, 5915 Broadway, Lancaster, New York, has submitted a Site Plan, dated March 19, 1998 and received June 23, 1998, for the construction of a 2,800 square ft. addition to the existing veterinary clinic located at 5915 Broadway, east of Bowen Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting of July 1, 1998 recommended approval of this project, and

WHEREAS, this project was reviewed for SEQR purposes and it was determined to be a Type II Action, and as such, no further SEQR review is necessary;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan prepared by, Deborah A. Naybor PLS, PC., dated March 19, 1998, for the construction of an addition to the existing veterinary clinic, located at 5915 Broadway, east of Bowen Road in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

Page 444

WHEREAS, V.T. GALBO, INC., 4380 Walden Avenue, Lancaster, New York,
has submitted a Site Plan, dated April 21, 1998 and revised May 11, 1998, for the construction
of a 1,600 square ft. addition to its existing facility on the north side of Walden Avenue, in the
Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting of
April 16, 1998 recommended approval of this project, and

WHEREAS, this project was reviewed for SEQR purposes and it was determined
to be a Type II Action, and as such, no further SEQR review is necessary;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the
Site Plan prepared by, David Jacob Galbo, Architect, dated April 21, 1998, for the construction
of an addition to the V.T. Galbo, Inc., facility, located at 4380 Walden Avenue in the Town of
Lancaster, subject to the following conditions:

1. Existing dumpster to be relocated behind the building and to be
screened by fencing or plantings;
2. Existing gravel lot to be paved to the end of the new expansion;
3. Any outside storage area to be screened;

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, CHRISTOPHER D. MACK, P.O. Box 780, Warren,
Pennsylvania, has submitted a Site Plan, dated April 3, 1998 and received June 2, 1998, for the
demolition of an existing convenience store and construction of a new 2,160 s.f. building, and
removal and replacement of underground fuel tanks, (Red Apple/Kwik Fill) at 5835 Broadway,
east of Bowen Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting of July
1, 1998 recommended approval of this project, and

WHEREAS, a SEQR review of this project was held on Monday, July 6, 1998, and
a Negative Declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the
Site Plan prepared by, Creal Hyde & Larson, Architects, dated April 3, 1998, for the demolition
of an existing convenience store and construction of a new 2,160 s.f. building, and removal and
replacement of underground fuel tanks (Red Apple/ Kwik Fill) at 5835 Broadway, east of Bowen
Road in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., (the "Fire Department") has obtained mortgage financing in the amount of an additional \$150,000.00, to pay for a truck bay addition, reconstruction and improvements to a fire station located at 36 Main Street, Bowmansville, in the Town of Lancaster, New York, and

WHEREAS, Manufacturers and Traders Trust Company ("M & T Bank") has requested that the Fire Department obtain public approval for its issuance of its bond pursuant to Section 147 (f) of the Internal Revenue Code for tax exempt status for the bond to be issued by the Fire Department;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board after a public hearing following reasonable public notice does hereby pursuant to the I.R.C. Section 147 (f) approve of the issuance of the bond in connection with the mortgage financing by the Fire Department, and if necessary does authorize the Town Supervisor to sign any written approval forms requested by M & T Bank; and

BE IT FURTHER

RESOLVED, before the Town Supervisor signs any forms, that they will be reviewed by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

PREFILED RESOLUTION NO. 16 - MEETING OF 7/06/98

16. Stempniak/ _____ Set Public Hearing: Amend zoning Ordinance Map Change
Gold Sepl Equity Partnership N/E Corner of Walden avenue
and Burlington Avenue

At the request of Council Member Stempniak , this resolution was withdrawn
for further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has requested the purchase of One New and Unused 1998 or 1999 Dump/ Plow Truck with Cab and Chassis, Hydraulics and Box and Plow Rigging for use by the Highway Department of the said Town, and

WHEREAS, the Highway Committee of the Town Board recommends that such purchase be authorized;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That bids be received by the Town Clerk on July 30, 1998 at 10:00 o'clock A.M., Local Time, for the purpose of purchasing One (1) New and Unused 1998 or 1999 Dump/Plow Truck with Cab and Chassis, Hydraulics and Box and Plow Rigging for use of the Town of Lancaster Highway Department, in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

File: rntbdhwy.798

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed Bids will be received by the Town Clerk of the Town of Lancaster or his designee, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time on the 30th day of July, 1998, for the purpose of purchasing One (1) New and Unused 1998 or 1999 Dump/Plow Truck with Cab and Chassis, Hydraulics and Box and Plow Rigging, for use of the Highway Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in an amount representing five per centum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: ROBERT P. THILL
Town Clerk

July 6, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW
YORK, ADOPTED JULY 6, 1998, AUTHORIZING THE
PURCHASE OF VARIOUS TRUCKS AND EQUIPMENT FOR USE
BY THE TOWN HIGHWAY DEPARTMENT, STATING THE
ESTIMATED TOTAL COST THEREOF IS \$600,000,
APPROPRIATING SAID AMOUNT THEREFOR, AND
AUTHORIZING THE ISSUANCE OF \$600,000 SERIAL BONDS
OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recital

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY
OF ERIE, NEW YORK HEREBY RESOLVES (by the favorable vote of not
less than two-thirds of all the members of said Town Board) AS
FOLLOWS:

Section 1. The Town of Lancaster, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
purchase various trucks and equipment for use by the Town Highway
Department. The estimated total cost thereof, including
preliminary costs and costs incidental thereto and the financing
thereof, is \$600,000 and said amount is hereby appropriated
therefor. The plan of financing includes the issuance of
\$600,000 serial bonds of the Town to finance said appropriation,
and the levy and collection of taxes on all the taxable real

property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$600,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the purposes for which said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28. of the Law, is between five (5) years and fifteen (15) years; however, the bonds authorized pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years from the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which

said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "LANCASTER BEE," a newspaper having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

**FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK , TO WIT:**

WHEREAS, the Town Board of the Town of Lancaster has previously advertised for bids for furnishing and delivering a 6' x 6' precast concrete box culvert and retaining wall system for replacement of a culvert on Erie Street in the Town of Lancaster in accordance with the specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, said bids were opened on July 2, 1998, and

WHEREAS, by letter dated July 2, 1998, the Town Engineer has recommended the purchase of the culvert from Lakelands Concrete Products, Inc. 7520 East Main Street, Lima, New York 14485, being the lowest responsible bidder in accordance with said specifications, said bid being in the sum of \$22,610.00;

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Lancaster hereby authorizes the Highway Superintendent of the Town of Lancaster, to purchase One 6' x 6' Precast Concrete Box Culvert and Retaining Wall System for replacement of a culvert on Erie Street in the said Town, from Lakelands Concrete Products, Inc., 7520 Main Street, Lima, New York, being the lowest responsible bidder in accordance with the specifications, in the sum of \$22,610.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

File: rawclvt.798

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK TO WIT:

Page 456

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 2826 to Claim No. 3202 Inclusive

Total amount hereby authorized to be paid: **\$1,394,583.00**

The question of the foregoing resolution was duly put to a vote on roll call .
which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby
approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt # SW	Applicant Name	Address	Structure
5117	Denise Dombrowski	185 N Maple Dr	Er. Fence/Deck
5118	Ronald Komara	23 Fieldstone Ln	Er. Pool
5119	Majestic Pools Inc	234 Enchanted Fst N	Er. Fence/Pool
5120	Lawrence Nowak	27 Glendale Dr	Er. Pool
5121	Albert Randaccio	6 Sussex Ln	Er. Sin. Dwlg
5122	Patrick Mitola	5 Village View	Er. Shed
5123	American Chimney Rep	William St	Er. Sign
5124	Joe Lazzaro	22 Sagebrush Ln	Ex. Garage
5125	Michael Morreale	33 Lake Fst Pkwy W	Er. Shed
5126	David Jaworowicz	5078 William St	Er. Fence
5127	Adele Turek	20 Michael Anthony Ln	Er. Shed
5128	Timothy Barnas	18 Tanglewood Dr	Er. Pool
5129	Bob Ballacchino	166 Enchanted Fst S	Er. Fence
5130	Wendy Kozlowski	204 Siebert Rd	Er. Deck/Gazebo
5131	Todd Aldrich	259 Broezel Ave	Ex. Sin. Dwlg
5132	Majestic Pools Inc	165 Broezel Ave	Er. Pool
5133	Anton Shelton	1 Quail Run Ln	Er. Deck
5134	Nicholas Notaro	1376 Townline Rd	Er. Garage
5135	Denise Hochul	22 Traceway	Er. Deck
5136	Richard Tusznio	5592 William St	Er. Shed
5137	Guy Ramey	21 Pheasant Run Ln	Er. Shed/Deck
5138	Joseph Construction	75 Newberry Ln	Ex. Sin. Dwlg
5139	Majestic Pools Inc	42 Via Donato E	Er. Fence/Pool
5140	Daniel Domino	37 Fox Hunt Rd	Er. Pool
5141	Lucille Barone	1207 Ransom Rd	Er. Pool
5142	Gary Johnson	14 Kelly Ann Dr	Er. Deck
5143	Albert Randaccio Bldrs	15 Windcroft Ln	Er. Sin. Dwlg
5144	Majestic Pools Inc	709 Pleasant View Dr	Er. Fence/Pool
5145	Majestic Pools Inc	11 Cedar Brk Dr	Er. Fence/Pool
5146	Carl Malyszka	38 Sagebrush Ln	Er. Shed
5147	Michael Phillips	29 Plumb Creek Tr	Er. Deck

5148	Majestic Pools Inc	30 Hampton Ct	Er. Fence/Pool
5149	Chuck Sciandra	139 Siebert Rd	Er. Fence
5150	Julie Mikula	625 Harris Hill Rd	Er. Pool
5151	Carl Hruby	10 Pine View Ln	Er. Deck/Pool
5152	William Chapin	40 Bentley Cir	Er. Deck
5153	Elaine Cleveland	181 N Maple Dr	Er. Fence
5154	Gloria Andruchowskyj	825 Ransom Rd	Er. Deck
5155	Iona Associates Inc	46 Bentley Cir	Er. Sin. Dwlg
5156	Andrew Hoffmann	63 Tomahawk Tr	Er. Pool
5157	Laureen Reilly-Bowen	1203 Penora St	Er. Pool
5158	Robin Tredo	75 Michael Anthony Ln	Er. Pool
5159	Kim Greco	75 Simme Rd	Er. Deck
5160	William Lichtenthal	160 Brunck Rd	Er. Deck
5161	Mark Ferrara	47 Sagebrush Ln	Er. Shed
5162	Beebe Construction	36 Spruceland Terr	Er. Patio Cover
5163	Michael Kotwicki	246 Stony Rd	Er. Pool
5164	Valerie Mc Dowell	12 Greenbriar Dr	Er. Pool
5165	Nick Ciccarelli	815 Erie St	Er. Pool
5166	John Travis	49 Stutzman Rd	Ex. Sin. Dwlg
5167	A. Randaccio Bldr Inc	2 Overton Ct	Er. Sin. Dwlg
5168	Helen Borngraber	19 W Home Rd	Er. Pool
5169	Mark & Lisa Wagner	63 Michael's Wlk	Er. Shed
5170	Tom Stroehlein	176 Siebert Rd	Er. Shed
5171	Kim Crotty	139 Belmont Ave	Er. Deck
5172	Mary Aldrich	92 Southpoint Dr	Er. Fence/Deck
5173	Steven Hoffmann	53 Old Post Rd	Er. Pool
5174	Teddie Cronk	190 Peppermint Rd	Er. Shed
5175	Bruce Moorehouse	1207 Penora St	Er. Pool
5176	Majestic Pools Inc	63 Quail Run Ln	Er. Fence
5177	Maureen Drury	29 Southpoint Dr	Er. Pool
5178	Ted Maziarski	115 Stony Rd	Ext. Sin. Dwlg
5179	Marrano/Marc Equity	61 Stony Brook Dr	Er. Sin. Dwlg
5180	Marrano/Marc Equity	5 Butler Dr	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

Page 460

Council Member Connelly requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:**

WHEREAS, the Town of Lancaster has entered into contracts with the four (4) separate volunteer fire companies which provide service to the Town of Lancaster Fire Protection District, and

WHEREAS, in Paragraph 6 (E)(2) the Town agreed to contribute funds for the purchase of a cascade/compressor system to provide for the refilling of self-contained breathing apparatus in the year 2000, and

WHEREAS, the Town Board now desires to provide these funds in the year 1999 for the benefit of these fire companies;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the amendment of the fire contracts to provide for the payment of the funds immediately or as soon as possible for the benefit of the fire companies and further authorizes the Supervisor to execute the necessary Addendum Agreement thereto.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

File: rfrents.798

Council Member Connelly requested a suspension of the necessary rule for
immediate consideration of the following resolution: Page 461

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:**

WHEREAS, the Town of Lancaster entered into an agreement for disposal of solid waste with Occidental Chemical Corporation, said Agreement dated May 24, 1989 and the disposal commencing June 1, 1989, and Occidental having thereafter assigned its interest in this contract to American Ref-Fuel Company of Niagara, and

WHEREAS, Article 8 of the beforementioned agreement contains the contract term and termination provisions, and

WHEREAS, the termination provision provides that the Town of Lancaster may unilaterally terminate the agreement between January 1, 2000 and December 31, 2012 by providing no less than five (5) years' written notice, said notice not to be issued before December 31, 1994, and

WHEREAS, the cost of disposal has been the subject of review by the Town Board, with the Town most recently on an independent basis requesting proposals for alternative disposal sites, as well as joining with the NEST communities in a Request for Proposals for alternative disposal sites for those communities making up the NEST group, and

WHEREAS, after due consideration the Town Board deems it in the public interest to exercise its option under Article 8 of the contract with American Ref-Fuel Company to unilaterally terminate by Notice the Disposal Agreement with American Ref-Fuel five (5) years from the date of Notice;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to notify American Ref-Fuel in writing that the Town of Lancaster is exercising its option as set forth in Article 8 of the original Agreement with Occidental Chemical Corporation as assigned to American Ref-Fuel Company of Niagara, to terminate the Agreement for Disposal five (5) years from the date of the Supervisor's letter to American Ref-Fuel.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:**

WHEREAS, Leonard R. Campisano, an Assistant Building Inspector in the Building Department of the Town of Lancaster, by letter dated July 2, 1998, has requested permission to carry over his three and one-half (3 ½) days vacation time accrued which he cannot take by his anniversary date of July 6, 1998 due to reasons cited in his letter, and

WHEREAS, the Town of Lancaster White Collar Unit of Local 815, by letter dated July 5, 1998, has indicated a willingness to concur and give their approval with the stipulation that this will be a non-precedented setting to the granting of this request,

NOW, THEREFORE, BE IT

RESOLVED, that **LEONARD R. CAMPISANO**, an Assistant Building Inspector in the Building Department of the Town of Lancaster, shall be permitted to carry over his three and one-half (3 ½) days 1997 vacation time to his 1998 year of service with the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the carry over of three and one-half (3 ½) days will not be eligible for buy back over and above what Leonard Campisano could otherwise sell back to the Town under the provision provided in the White Collar Contract, Article 3, Section 3.1.2.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPTIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1998

COMMUNICATIONS:

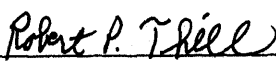
Page 464

423. General Crew Chief to Town Board -
Request resolution be drawn authorizing use of Lancaster Village Park for summer Parks and Recreation Program due to the renovating of Como Park School. DISPOSITION = Received and Filed
424. Town Clerk to Planning Board Chair. -
Transmittal of rezone petition of Gold Seal Equity Partnership for premises situate at 3524 Walden Ave. DISPOSITION = Received and Filed
425. General Crew Chief to Lancaster Village Clerk -
Request Village Board draw resolution for use by Town of Lancaster Village Park for Summer Parks and Recreation Program due to the renovating of Como Park School. DISPOSITION = Received and Filed
426. Adelphia to Supervisor -
Notification of changes with service effective August 1998. DISPOSITION = Received and Filed
427. NFTC and ECDEP to Supervisor -
Notice of meeting to be held June 29, 1998 at Lancaster Senior Citizen re: Lancaster North/South Corridor Preservation Study. DISPOSITION = Received and Filed
428. Police Chief to Planning Board Chair. -
Comments re: Pinchaven Apartments site plan situate at 5844 Broadway. DISPOSITION = Public Safety Committee
429. Town Clerk to Town Board -
Transmittal of Special Use Permit application of Elizabeth S. Bennett CSW for a home occupation (Psychotherapy Office) at 53 Hemlock Ln. DISPOSITION = Received and Filed
430. Chief Fowler to Chairperson, Public Safety Comm. -
Notification that monitoring of speeding complaint re: Erie Street at Signal Dr. will be done as work load permits. DISPOSITION = Received and Filed
431. Planning Board to Town Board -
Minutes from meeting held June 17, 1998. DISPOSITION = Received and Filed
432. Disaster Coordinator to Town Board -
Minutes from Safety Steering Committee June 18, 1998. DISPOSITION = Received and Filed
433. Planning Board to Town Board -
Agenda for meeting to be held July 1, 1998. DISPOSITION = Received and Filed
434. Town Clerk to Zoning Board Members, Building Inspector and Dep. Town Attorney -
Transmittal of variance petitions for meeting to be held July 9, 1998. DISPOSITION = Received and Filed
435. Youth Bureau Ex. Director to Town Board -
Recommendation of two individuals to position of tutor effective July 6, 1998. DISPOSITION = Received and Filed
436. Lancaster-Depew Ponytails to General Crew Chief -
Expression of appreciation for allowing league to host American Softball Association's tournament at Walden Pond Park on June 13th and 14th. DISPOSITION = Received and Filed
437. Village of Lancaster Off. Of Disaster Preparedness to Supervisor -
Request use of Town's Command Post on July 4, 1998 for Village's 4th of July Cerebration. DISPOSITION = Received and Filed
438. Peter J. Scott, co-Chairman, Section VI Softball Committee to General Crew Chief -
Expression of appreciation for excellent job General Crew Chief and staff did in preparing and maintaining the Walden Pond diamonds on day of sectional tournament. DISPOSITION = Received and Filed
439. West Seneca Supervisor to Supervisor -
Notification of dedication of Town Board meeting on June 22, 1998 to memory of Council Member John Miller. DISPOSITION = Received and Filed
440. Michael Calandra, 15 Deerpath Drive, to Town Board -
Commendation of Highway Superintendent in assistance in having stop sign placed on Countryview Way. DISPOSITION = Received and Filed

441. Town Engineer to Town Board -
Recommend issuance of dumping permit to Darryl J. Ludwig for premises situate at 178 Westwood Rd. DISPOSITION = Received and Filed
442. Village of Depew Mayor to Various Officials -
Notice of SEQR meeting to be held re: PCS Piezotronics on July 13, 1998 at Depew Municipal Building. DISPOSITION = Received and Filed
443. Planning Board to Town Board -
Recommends approval of Pine Haven Apartments site plan. DISPOSITION = Received and Filed
444. ECDEP to Town Attorney -
Designation of Town of Lancaster as SEQR lead agency for Kwik fill along with comments and concerns. DISPOSITION = Received and Filed
445. NYSDOT to Dep. Town Attorney -
Concurs with designation of Town as lead agency for Kwik Fill. DISPOSITION = Received and Filed
446. NYSDEC to Dep Town Attorney -
Concurs that the Town of Lancaster should act as lead agency for Kwik Fill Project. -
DISPOSITION = Received and Filed
447. General Crew Chief to Supervisor -
Request appointment of two individuals to position of lifeguard for 1998 summer season.
DISPOSITION = Received and Filed
448. Town Clerk to News Media -
Notice of SEQR meeting to be held July 6, 1998 re: Red Apple/Kwik Fill site plan for premises situate at 5835 Broadway. DISPOSITION = Received and Filed
449. Triton Valley Estates to Supervisor and Building Inspector -
Transmittal of data re: manufactured housing with request for issuance of building permits for said housing. DISPOSITION = Planning Board, Planning Committee and Town Attorney
450. Metro Buffalo Junior Olympic Program, Amateur Softball Assoc. Of America to Supervisor -
Commendation of outstanding work done by Parks and Recreation Department re: 14-Under National Qualifier that was held in Walden Pond Park. DISPOSITION = Received and Filed
451. Highway Supt. to Town Board -
Request permission to add cost of radio to current bond. DISPOSITION = Received and Filed
452. Highway Supt. to Town Board -
Request cooperation re: structure in Town right-of-way, namely 12 Hill Valley Dr.
DISPOSITION = Town Attorney
453. Highway Supt. to Nicholas Ciccarelli, 809 Erie St. -
Notification of responsibility for any damages and/or repairs resulting from possible blockage occurring in street drainage pipe from 809-841 Erie St. DISPOSITION = Received and Filed
454. NYS Office of Real Property services to Various Officials -
Comments re: distribution of STAR administrative funds for local governments.
DISPOSITION = Received and Filed
455. NEST to Supervisor -
Agenda and notice of meeting to be held July 9, 1998 at Orchard Park Municipal Building.
DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 11:55P.M.


Robert P. Thill, Town Clerk